

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STONINGTON INS. CO.,

Plaintiff,

vs.

Civil. No. 09-205 LH/DJS

ANDREW HURD, *et al.*,

Defendants.

ORDER STAYING PROCEEDINGS

THIS MATTER comes before the Court on Defendant Rancho del Oso Pardo's Motion to Stay Proceedings (Doc. No. 36). Plaintiff opposes the motion as does Cross-Defendant Hurd Brothers Logging, Inc.. Defendant seeks the stay based upon a pending case in the First Judicial District of New Mexico which is based upon the same accident which led to this suit. The instant action is one for declaratory relief, the state court action is based upon claims of breach of contract and negligence. Applying the factors outlined in St. Paul Fire and Marine Ins. Co. v. Runyon, 53 F.3d 1167, 1170 (10th Cir. 1995), the Court finds that a stay if this action pending resolution of the state court suit is appropriate.

IT IS THEREFORE ORDERED that Defendant's Motion is granted. The discovery deadlines and all other pending deadlines shall be stayed pending the conclusion of Tyler Pettingill v. Hurd Brothers Logging, LLC, *et al.*, CV-2008-1247 in the First Judicial District of New Mexico. Upon the entry of a judgment in that action, the parties shall promptly notify the

Court in order that it may lift the stay and re-set case management deadlines.



DON J. SVET
UNITED STATES MAGISTRATE JUDGE